

07/28/03

15915 U.S. PTO

**REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR  
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)**

Attorney Docket No. P65588US1

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

21906 U.S. PTO

10/627642

07/28/03

This is a request for filing a ☒ continuation or ☐ divisional application under 37 C.F.R. 1.53(b) of prior application number **09/581,086** filed **June 9, 2000**, for **PROCESS FOR PRODUCING BUTANETRIOL DERIVATIVE** by Inventor(s):

**Makoto HIRATA et al.**

Enclosed is a copy of the prior application including the declaration as originally filed.

1. ☒ A Preliminary Amendment is enclosed.
2. ☐ Cancel claims for purposes of lessening filing fees.
3. ☒ The filing fee is calculated as follows on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

Fee Calculation

Fee Category		Small Entity	Large Entity
Excess Total Claims	N <sup>2</sup> = 0    ⊗ 20 = 0	⊗ \$9 = \$ **	⊗ \$18 = \$ **
Excess Indpnt. Claims	N <sup>2</sup> = 0    ⊗ 3 = 0	⊗ \$42 = \$ **	⊗ \$84 = \$ **
[   ] Multiple Dependant Claim		⊗ \$140	⊗ \$280    \$ ***
Basic Filing		\$ 375	\$ 750
Fee Total		\$ ***	\$ 750

4. ☐ This application is filed without payment of the filing fee in accordance with 37 CFR 1.53(f).
5. ☒ A check in the amount of **\$ 750.00** is enclosed.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358.

6. ☒ Amend the specification by inserting before the first line the sentence:  
This is a continuation of application no. 09/581,086 filed June 9, 2000, which is a 371 of PCT/JP 99/00355, filed 28 January 1999, published in Japanese.
7. ☐ Small entity status:  
a. ☐ A small entity statement is enclosed.  
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.
8. ☒ Priority under 35 USC 119 is claimed to application number 018802/1998 filed 30 January 1998, in Japan.  
a) ☒ Certified copy on file in prior application no. 09/581,086.  
b) ☐ Certified copy filed herewith.
9. ☒ The prior application is assigned of record to Daiso Co., Ltd, 10-8, Edobari, 1-Chome, Nishi-ku, Osaka-shi, Osaka-fu, Japan.
10. ☒ The Power of Attorney in the prior application is to at least one of the following:  
William E. Player, 31,409; John Clarke Holman, 22,769; Harvey B. Jacobson, Jr., 20,851; D. Douglas Price, 24,514; Marvin R. Stern, 20,640; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007.  
a) ☒ The power appears in the original papers of the prior application.  
b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
11. ☒ Petition to extend the life of the above prior application to at least the date hereof  
(One box) ☐ is being concurrently filed in  
NOTE: (must be) that prior application.  
(X'd) ☐ was previously filed in that application.  
☒ is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or the check is not enclosed, the Commissioner is hereby petitioned to extend the time for response and authorized to charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. [ X ] Enclosed is a copy of each Information Disclosure Statement (IDS) and Form PTO 1449 of record in each prior application relied on for an earlier filing date under 35 U.S.C. 120.
13. [ X ] Enclosed is a copy each Form PTO 892 of record in each prior application relied on for an earlier filing date under 35 U.S.C. 120.
14. [ X ] Also enclosed:
- (i) Correction in Spelling of Inventor's Name Under MPEP 605.04(b)
  - (ii) Copy of Decision On Petition Under 37 CFR 1.181, mailed February 28, 2002, in the prior application.

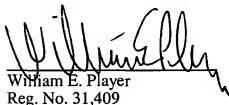
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Respectfully submitted,

JACOBSON HOLMAN PLLC

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WEP/id

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